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Congress Approves Major Overseas Funding Package

The House and Senate gave final approval to an omnibus appropriations bill during the last week of September incorporating funding for foreign operations in the new fiscal year, which began on October 1, 1996. The President signed the spending bill into law on September 30. Following is a summary of some of the provisions affecting OSCE participating States in East Central Europe and the Newly Independent States:

The Newly Independent States

Six hundred twenty-five million dollars of assistance is provided for the Newly Independent States of the former Soviet Union (NIS), a com-

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Vienna OSCE Briefing for Election Observers

Commission Staff Observe the September Elections in Bosnia-Herzegovina

Seven members of the Helsinki Commission staff arrived, along with approximately 800 other Short-Term Observers (STO), in Vienna, Austria on September 10 for a set of day-long briefings prepared by the Organization for Security and Cooperation in Europe (OSCE) in preparation for observing the September 14 elections in Bosnia-Herzegovina (BiH). Topics of the briefings included: Philosophy of the observation in BiH; Election law and regulations; Political and campaign environment; Polling arrangements and observation analysis forms; Logistics; and, Security and communications, which included a brief course on landmine safety. The STOs received their observer's assignments at the end of the day, with the Commission's staff dispersed throughout BiH.

Beginning at 6:00 a.m. on September 12, the STOs began flying to BiH on C-130 Starlifters under IFOR command, and all were delivered by that evening. Local election briefings were held the night of September 12 and throughout September 13. On September 14, Commission staff observed BiH's second multi-party elections since the collapse of the one-

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The Commission on Security and Cooperation in Europe, by law, monitors and encourages progress in implementing the provisions of the Helsinki Accords. The Commission, created in 1976, is made up of nine Senators, nine Representatives, and one official each from the Departments of State, Defense, and Commerce. For more information, please call (202) 225-1901.

Belarusan President Attempts Latest Power Grab

Belarusan president Lukashenka, in his latest move to amass more power, has called for an extra-constitutional referendum on November 7—the date, not coincidentally, of Russia’s 1917 Bolshevik revolution. If approved, the new constitution will permit him to rule for an additional 10 years and to appoint one-third of the members of a new legislative chamber. The Parliament, however, has scheduled Lukashenka’s referendum for November 24 along with previously planned parliamentary bi-elections, and has added additional questions to the ballot. But Belarus’ independent Constitutional Court has called upon both Lukashenka and Parliament to withdraw their amendments to the Constitution, with the court’s Chairman Valery Tikhinya asserting that, “the Belarusan people will live under a dictatorship if they back Lukashenka’s proposed constitution.” Furthermore, the head of the Belarusan Central Election Commission has asserted that the Commission does not have sufficient time to draw up voter lists and to set up local election commissions. To date, Lukashenka has rejected a proposed “zero option” where the presidential referendum would be canceled if parliament withdraws its proposed referendum. On October 11, an attempt by Lukashenka to offer legislators wider powers if it moved the vote on the referendum from November 24 to No-

vember 7 was rejected by Parliament by a vote of 88 to 84. Meanwhile, both Russian President Boris Yeltsin and Ukrainian President Leonid Kuchma have called for a political compromise in Belarus.

Lukashenka’s efforts to undermine democracy and exert even greater control over the media continue. In September, Lukashenka closed the independent radio station, Radio 101.2, which broadcast in Belarusan and fostered the processes of national rebirth, and according to the Belarusan Helsinki Committee, has subsequently, closed down the only independent broadcast in the city of Grodno. Initially, the reason given for shutting down Radio 101.2 was that the radio station was interfering with government communications. However, Lukashenka himself later indicated that the reason was because the station allegedly had pursued anti-state policies. Lukashenka has also recently frozen the bank accounts of several independent weekly newspapers.

Also in September, Lukashenka on Belarusan television accused Western embassies of trying to destabilize Belarus, prompting the U.S. to call his statements “outrageous and provocative.”

Meanwhile, the Belarusan economy continues to deteriorate in the absence of serious reforms efforts.

☞ Orest Deychakiwsky

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promise between the \$590 million proposed by the House and the Senate level of \$640 million. Governments in the region which direct any action in violation of the territorial integrity or national sovereignty of any new independent state are prohibited from receiving most forms of assistance, though this restriction can be waived if the President determines that to do so is in the national interest.

Assistance to the Russian Federation is contingent on a determination by the President that Russia has terminated its supply of goods and services in support of Iran’s nuclear programs. In addition, funding is linked to further progress in implementing comprehensive economic reforms. One million dollars are earmarked to programs designed to reduce violence against women. The American-Russian Center, which focuses on development in Siberia and eastern regions of Russia, is to receive \$2.5 million.

Conferees dropped Senate language on Russia’s actions in Chechnya, and inserted an expression of deep concern over the conflict in Chechnya and called for a more forceful and active U.S. role in seeking a permanent end to the conflict. The measure requires the Secretary of State to submit a detailed report to Congress on actions undertaken by the United States Government to resolve the crisis in Chechnya.

Of the NIS package, \$225 million is earmarked for Ukraine, making that country the third largest recipient of U.S. assistance. Subearmarks provide that not less than \$25 million shall be used for the decommissioning of Chornobyl; not less than \$35 million for agricultural projects; \$5 million for a small business incubator project; \$5 million for screening and treatment of childhood mental and physical illnesses related to Chornobyl radiation; and \$5 million to be used for a land and resource management institute to identify nuclear contamination at Chornobyl. In addition, \$50 million will be avail-

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War Crimes Update

•“History will judge us not by convictions or acquittals, but by the fairness of our proceedings.” Justice Richard J. Goldstone, at a dinner at the United States Supreme Court convened in honor of his tenure as the Tribunals’ first Chief Prosecutor of the International Criminal Tribunals for the Former Yugoslavia and Rwanda

•“IFOR’s presence offers an opportunity which I think it is regrettable has not been fully explored in the past and I believe will be put to better use in the future. . . . If the tribunal does not get the assistance. . . in its efforts to bring indicted war criminals to trial, its perceived failure may exacerbate the tensions it was designed to appease.” Justice Louise Arbour, Oct. 3, 1996, in her first press conference Richard Goldstone’s successor

•The Croatian Supreme Court has agreed to surrender to the International Criminal Tribunal for the Former Yugoslavia Zlatko Aleksovski. (Croatian procedures still permit the Justice Minister to override the Supreme Court’s decision, but the failure of Croatia to surrender Aleksovski would still be a violation of international law.) Aleksovski is a Bosnian Croat who was indicted by the Tribunal on Nov. 10, 1995. He is an ex-prison official from Mostar who is wanted in connection with atrocities committed against Bosnian Moslems in the Lasva Valley in 1993. He was arrested by Croatian authorities in June 1996, after Croatia was criticized for failing to comply with orders of the Tribunal. Two other suspects charged under the same indictment, Ivica Rajic and Dario Kordic, are reportedly living openly and notoriously in Croatia.

✉ Erika B. Schlager

CSCE

Commissioners Appeal for Property Restitution

Just before the close of the 104th Congress, sixteen Commissioners in the Senate and House introduced identical resolutions addressing the problem of property claims stemming from Fascist and Communist era confiscations. The introduction of the measure coincided with the visit of visiting Czech Prime Minister Klaus, one of five countries mentioned in the draft legislation. In particular, the resolutions:

- urge countries which have not already done so to return plundered properties to their rightful owners or, in the alternative, pay compensation;
- call for the urgent return of property formerly belonging to Jewish communities as a means of redressing the particularly compelling problems of aging and destitute survivors of the Holocaust;
- call on the Czech Republic, Latvia, Lithuania, Romania, Slovakia and any other country to remove restrictions which require those whose properties have been wrongfully plundered by Nazi or Communist regimes to reside in or have the citizenship of the country from which they now seek restitution or compensation; and
- call upon foreign financial institutions that possess wrongfully and illegally confiscated property from Holocaust victims and others to restore this property to its rightful owners.

The resolution builds on the testimony received at a July 18 hearing, convened by the Commission, on property claims in post-Communist Central and Eastern Europe. At that time, Stuart E. Eizenstat, Undersecretary of

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able for nuclear reactor safety, including technical assistance, equipment, and training. A provision introduced in the Senate provides for the termination of assistance to the Government of Ukraine if the President determines that Ukraine is engaged in military cooperation with Libya, though a waiver based on national security was also included.

The deteriorating political and economic situation in Belarus was cited as cause for withholding any funds that will "be used to support the current Government of Belarus."

Armenia is slated to receive \$95 million under the assistance package. The measure includes a prohibition on the provision of assistance to Azerbaijan until the President determines "that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh." Assistance to Azerbaijan, including the region of Nagorno-Karabakh, by non-governmental and international organizations is not precluded from using or repairing government facilities or services to effectively deliver humanitarian services and supplies to needy civilians.

Conferees recognized "the Georgian leadership's commitment to accelerating the pace and scope of needed change," while acknowledging the lag in economic and political reforms. Though no specific earmark was included, Georgia is expected to receive a level of support comparable to the \$30 million received in fiscal year 1996.

Lawmakers included \$10 million for the Trans-Caucasus Enterprise Fund and called for a U.S. action plan to assist and accelerate the earliest possible development and shipment of oil from the Caspian Sea region to the United States and other Western markets.

Language inserted by the Senate earmarks not less than \$80 million for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel. USAID is directed to expand its support for family planning programs in the NIS, through an earmark of \$15 million, "focusing on population assistance which provides an alternative to abortion."

Eastern Europe and the Baltic States

Four hundred seventy-five million dollars of assistance is provided for Eastern Europe and the Baltic States. The House and Senate conferees expressed concern that the U.S. Agency for International Development

has not effectively utilized the unique resources of ethnic American organizations.

Conferees deleted language, proposed by the Senate, which would have limited U.S. non-humanitarian assistance to the territory of the Bosniac-Croat Federation. A provision inserted by the Senate withholds 50% of economic revitalization assistance from Bosnia-Herzegovina unless the President certifies that the Bosnian Federation has complied with commitments under the Dayton Agreement regarding the removal of foreign forces, and that intelligence cooperation and related activities with Iran have been terminated. Conferees also underscored the need for a free, independent, private broadcasting network as an alternative to state-operated television stations and encouraged robust support for the independent Open Broadcast Network.

A Senate provision sets a cap of \$100 million on the transfer of defense articles from existing DoD stockpiles in fiscal year 1996 and fiscal year 1997 to assist Bosnia-Herzegovina in self-defense. A limit of \$25 million was set on the drawdown of commodities and services in support of the war crimes tribunal. The House had proposed \$50 million. Conferees deleted Senate language which called for the reimposition of full economic sanctions on Serbia, Montenegro and the Republika Srpska until they fully cooperate with the tribunal; urged IFOR to make an urgent priority the detention of persons indicted by the tribunal; and called for the continuation of certain political sanctions against these entities. Under the law, the President is authorized to withhold funds and impose other sanctions against countries harboring war criminals. U.S. sanctions against Serbia and Montenegro must remain in place until the President certifies that there has been substantial progress in Kosovo.

Thirty million dollars of military assistance is to be provided to Poland, Hungary, and the Czech Republic as they pursue membership in an expanded NATO.

NATO Enlargement

The measure incorporates many of the provisions of H.R. 3564, the NATO Enlargement Facilitation Act of 1996, including the designation of Poland, Hungary, the Czech Republic, and Slovenia to receive various forms of technical assistance, loans, and grants as they prepare for possible NATO membership.


A call was made for expanded support for Slovakia, Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania,

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Moldova, and Ukraine and inclusion of these countries in military exercises, peacekeeping activities, etc. Language recognizing the “valid historical security concerns” of Estonia, Latvia, Lithuania was included, as well as a statement that these countries should not be disadvantaged in seeking to join NATO.

Conferees deleted language, proposed by the Senate, regarding Croatia and possible membership in NATO, while noting that country’s moves toward joining the Partnership for Peace and supporting participation in related activities provided Croatia “adheres fully to the Dayton Peace Accords and makes progress toward establishing democratic institutions, a free market and the rule of law.”

Language added by the Senate regarding Romania and possible NATO membership was similarly dropped though conferees urged the United States to work closely with Romania and other countries working toward NATO membership.  Ron McNamara

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party Communist political system—the first for that country since the break-up of the old Yugoslav federation and the 1992-95 war.

Elections were held for the government structures created in the Dayton Agreement (Dayton), which divided Bosnia into two new entities: a Bosnian Federation based on Bosniac-Croat cooperation, and a “Republika Srpska” based on territory originally seized by Serb militants since 1992 (minus territory they were forced to return under Dayton). Elections were held for a three-person Bosnian Presidency and the Bosnian House of Representatives. At the entity level, elections were held for the House of Representatives and the cantonal legislatures of the Federation, and for the President/Vice President and the National Assembly of Republika Srpska. Voters in each entity were thus presented with four ballots on election day.

Twenty-four political parties and five party coalitions participated in the elections, with several political parties with no ethnic affiliation competing, especially in the Federation. The dominant parties included the ruling, ethnically based parties: the Party for Democratic Action (SDA) for the Bosniacs, the Serbian Democratic Party (SDS) for the Serbs, and the Croatian Democratic Union (HDZ) for the Croats. The SDA and HDZ participated in elections in both entities beyond those for BiH as a whole.

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Commerce for International Trade U.S. Special Envoy on Property Claims in Central and Eastern Europe, noted that the European Union had already passed a resolution urging the return of plundered Jewish property. The Commission resolution addresses that concern, but also takes up related but separate matters.

While recognizing that property claims stemming from the Fascist and Communist periods are extraordinarily complex matters, the Chairman and Co-Chairman of the Commission—the principal sponsors of the legislation—were especially troubled that some countries which have adopted laws providing for restitution or compensation have excluded foreigners from the scope of their legal codes. Many Americans from this region lost both their property and their citizenship when they sought refuge in the United States from Communist persecution; today, these people are being punished a second time by restitution or compensation laws that penalize them for having opposed the prior regimes (or for no longer being a citizen of their former country).

Significantly, the U.N. Human Rights Committee determined in July 1995, in the case of *Simunek, et al. v. the Czech Republic*, that the citizenship requirement of the Czech restitution law violates the non-discrimination requirement of article 26 of the International Covenant on Civil and Political Rights. Moreover, the Czech Constitutional Court held in February 1995 that the 1990 Law on Judicial Rehabilitation nullified not only the politically motivated criminal prosecutions by the Communists, but also the forfeiture of property associated with such criminal prosecutions. Accordingly, the refusal of the current Czech Government to ensure that Americans are now able to take possession of their properties in the Czech Republic constitutes an illegal taking, in and of itself.

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The SDS and other Serb nationalist parties paid lip service to Dayton's preservation of a single Bosnian state to participate in the elections, but their absence from Federation elections suggested their intent to remain in Republika Srpska, viewing it essentially as an independent state. Candidates and officials from the entity referred to it as "ex-BiH, as if its partition was an accepted finality. To participate in the elections, the SDS candidate for President of Republika Srpska, Biljana Plavsic, was required to apologize publicly for questioning the territorial integrity of the Bosnian state, reportedly reading the prepared broadcast statement with such contempt just before election day that her message lacked any sincerity.

Decisions by parties to limit their participation in elections to specific contests and their espousal of views contrary to stated objectives of Dayton, of course, do not violate conditions for free and fair elections per se.

These actions do, however, raise serious questions regarding the legitimacy, strength and long-term viability of the political structures established by these elections, and increase the possibility of renewed violence by those refusing to accept the authority of these new institutions.

Election Administration

Dayton's Annex Three established the basis for the elections and were viewed as a key step toward the goal of a unified BiH. The Bosnian parties to the agreement undertook to ensure that conditions would exist for free and fair elections—specifically, a politically neutral environment, protection of the right to vote in secret without fear and intimidation, and respect for freedoms of expression, association and movement. The Organization for Security and Cooperation in Europe (OSCE)

was tasked with the supervision of the elections and accepted responsibility for certifying that the elections would be effective under existing social conditions.

Divisions between the Bosnian parties and tremendous resource and logistical problems caused by the war called for including outside representatives in major roles in the process. Specifically, the OSCE established a Mission to BiH in order to assist and control the preparations. While human rights monitoring and military confidence-

building were also part of its mandate, the elections were the Mission's priority. Head of Mission, retired U.S. Ambassador Robert Frowick, also headed the Provisional Election Commission, with OSCE officers in twenty-one Mission offices around the country interacting regularly with the 109 local election commissions.

Under OSCE auspices but apart from the Mission, retired Dutch official Eduard van Thijn, as Coordinator for International Monitoring, orchestrated country-wide coverage of the elections by approxi-

mately 1,200 election supervisors paired in teams. Responsible for six-to-ten polling committees, each team was to ensure that polling committees were properly prepared for election day. Dozens of long-term and almost 1,000 short-term observers from OSCE countries and countries contributing personnel to NATO's Implementation Force (IFOR), were also deployed to judge the degree to which the elections were free and fair. IFOR provided general security and logistical support for the elections.

Given the complexities associated with the elections and the OSCE's inexperience in undertaking such a large project, the success of the system exceeded expectations. The OSCE's reputation as an advocate of human rights and principled behavior by its participating States



International Election Observer Logo for Bosnia, 1996

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provided the credibility to organize the elections that no other international organization could have had.

However, by election day the OSCE's competence was being seriously questioned. OSCE officials seemed daily to make capricious administrative decisions that exacerbated rather than solved problems. Voter education

became particularly difficult as election rules evolved slowly and were not clearly and quickly distributed to regional offices. Registration lists, based on a 1991 census, were difficult to prepare given the dramatic demographic changes caused by the war, and the final versions of the lists distributed for election day contained errors that made them worse than earlier drafts. The candidate list for the Bosnian Presidency from Republika Srpska posted at the entrance to polling stations reversed the first and second candidates as listed on the ballots, potentially leading voters to vote accidentally for the wrong candidate.

In addition, the decision by OSCE Chair-in-Office and Swiss Foreign Minister Flavio Cotti to certify elections for September 14, at the recommendation of Frowick, created the perception that OSCE was succumbing to international pressure to stick to Dayton deadlines despite other considerations, although both Cotti's and Frowick's statements on the matter show that the decision was very much a judgement call.

Registration of Voters

While the guidelines for voter eligibility in BiH were straightforward, the large population shifts caused by the war made registration extremely complicated. The registered voters list was based on the 1991 census, to which was added those who had come of voting age in the meantime, and from which was to be subtracted those who had died or been killed during the war. By election day, however, there was no certainty that the names of the deceased were not still on the lists. Voters were allowed to cast their ballots where they had lived in 1991,

either directly or, for displaced persons and refugees, at absentee polling stations. Displaced persons could register to vote where they currently resided in BiH, or they could register for any part of the country where they intended to live, although in these cases the people had to physically vote in that location.

Generally, Bosnian Serbs registered to vote in

Republika Srpska whether or not they originally lived in that entity's area. Indeed, as the inter-entity boundaries became effective, Serbs living in territories being returned to the Federation were convinced or coerced into leaving, although most of them had only recently settled there following the cleansing of non-Serb populations. Croatian forces did some similar "self-

cleansing," especially in areas near Mrkonjic Grad (south of Banja Luka) that were taken and then returned to Republika Srpska. Bosniac leaders did less of this, but, at least early on, they also did not encourage displaced persons resettled in cities like Sarajevo or Tuzla to return to their original homes. The absence of security was cited as the main reason, but an underlying reason was to ensure victory for the SDA with the disgruntled, more Muslim-oriented Bosniac voters that replaced the more cosmopolitan, less nationalistic urban populations, often of mixed ethnicity, previously filling these cities. As a result, since the signing of the Dayton Agreement, almost as many additional persons had been cleansed as had returned to their original homes.

Election Day Events

In contrast with the many problems beforehand, election day itself was calm and orderly. There were no reported incidents of serious violence, especially between those of different ethnic groups, but tensions were evident at polling stations where large numbers of people waited in line to vote or were found not to be on the list. Moreover, disruptions were deterred by a heightened IFOR and international police presence on election day.

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Gracac Polling Station

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While a lower-than-expected number of inter-ethnic crossings eased security concerns on election day, the reasons for fewer crossings reflected badly on the general election environment as internally displaced persons remained too terrified to cross into other ethnic areas in significant numbers.

The local polling committees generally performed their duties well. There were few reported difficulties in the sealing of the ballot boxes and opening the stations at 7:00 a.m. Local police were present at almost every polling station to provide security, and did not appear intimidating even when they entered the room. Indeed, these officers precluded some irate persons ineligible to vote from disrupting the process.

Observers noted some minor problems. One person on a polling committee claimed to be a Serb from the Krajina region of Croatia; if he were a refugee from another country, he was not eligible to vote and should therefore not have been on the committee. Elsewhere in Republika Srpska, unauthorized persons from the Serbian Radical Party or local SDS government officials entered polling stations in the small town of Ugljevik "checking on things," potentially intimidating voters. Bosnian Croat leaders in Doljani, Gracac and Granica reportedly acted in a similar fashion. In northeastern Bosnia, SDS posters on public buildings included pictures of Radovan Karadzic, despite an official ban on such posters. Other, smaller problems observed in the voting included people voting

together, and sometimes overly attentive party representatives helped voters place their ballots in the boxes. At one polling station, fifty ballots that were supposed to have been delivered were missing.

There was no apparent intimidation of party representatives or other domestic election observers at the polling stations. Foreign observers generally were well received, although in ethnically mixed regions of the Federation south of Sarajevo some complained about the foreign presence and directed ethnic slurs at drivers

and interpreters. In addition, Bosnian Croat police attempted to intimidate one international team of observers.

Efforts to organize bus travel for those crossing the inter-ethnic boundary line were made with OSCE/IFOR cooperation. Actual crossings were much lower than expected. Only 14,000 crossed from the Federation to Republika Srpska on election day, and 4,000 in the opposite direction. This

meant that polling stations established for absentee voters were busier than expected in some parts of the Federation. Some ran out of ballots; others were mobbed and chaotic. One absentee station for military voters appeared to have had major irregularities, as 250 ballots were cast in a one and one-half hour time span—five times the number cast for the entire rest of the day and an almost impossible number actually to administer—during which OSCE supervisors happened not to be present.

Adding to the suspicions about this station was the fact that the names of the voters, recorded as they voted, were also logged in the poll book in alphabetical order.

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Typical voting booth setup in Bosnia



OSCE handout to reassure voters about secrecy

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Some polling committees in ethnically mixed regions of the Federation were not mixed themselves, usually because members of one ethnic group remained too frightened to travel to polling stations in areas controlled by another ethnic group.

While not a problem in all areas, the main problem on election day was with the registration lists. Numbers of people in some localities who came to vote were not found on the list. Many complained to observers that their names had appeared on an earlier draft of the list.

While this assertion could not be verified, the earlier draft list seemed to have been more accurate. Apparently, errors stemmed from the computer scanning of the earlier, updated draft in Sarajevo. The computer misread the voters' dates of birth and possibly their identification numbers and names. Thus, it was possible that the

people who came to vote were, in fact, on the list, but in the wrong location and impossible to find. Of course, more sinister intentions were immediately perceived by irate, would-be voters. In Republika Srpska, the disenfranchised voters almost immediately concluded that a conspiracy was working to minimize the number of Serbs in BiH, while some supervisors in the Tuzla area were told that local election commissions had intentionally removed the names of persons known to be against the ruling SDA. While not an issue in some areas, the problem was widespread enough that it did not appear to be directed specifically at any one group. Nevertheless, given the environment in BiH, the error was inexcusable. Some polling stations had turned away 20 percent or more of the people seeking to vote.

Closing and Counting

While the voting went rather smoothly except for the registration lists, the process of closing the polling stations and transporting the ballots to the counting centers created a great deal of confusion. The polling committees were not responsible for the counting, which is

normally the case. They did have to fill out forms regarding the balloting based on what were often considered unclear instructions. Some gave up and simply threw all the paperwork, including unused ballots and forms, into plastic bags for shipment to the counting center. Instructions whether to seal the opening on ballot boxes or to empty the ballots from the boxes into securely sealed plastic bags had changed and were confusing. Many polling committees struggled in vain to put the boxes into the plastic bags, which were too small and never intended for that purpose. Most kept the ballots in completely sealed

boxes for transport to counting stations, although, where the size of the boxes made transporting them cumbersome or impossible, their contents were emptied into plastic bags that were then securely sealed.

IFOR was originally requested to facilitate the transportation of the materials, along with polling committee chairmen, to

counting centers, but this generally fell through and other transportation and local police escort had to be arranged. In the Bijeljina area, some polling committees were unable to obtain police escorts. IFOR did help with transportation for absentee polling stations, but problems in the Sarajevo area arose when an Italian contingent refused to let the polling committee chairmen and observers accompany the ballot boxes. Lines of polling committee chairmen, with their ballot boxes, formed late into the night at some counting centers, waiting to be processed.

The procedures for counting, like so many other aspects of the election process, were changed suddenly and frequently, adding to the confusion. Counting centers were initially given flexibility when to start the process, then suddenly were told by the Provisional Election Commission to start at 3:00 p.m. on Sunday, September 15, catching many counters, supervisors and observers off guard. Originally, absentee ballots were to be sent to district counting centers via Sarajevo. It was suddenly decided to count them in Sarajevo. Refugee

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IFOR C-130 takes observers to Mostar

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ballots, on the other hand, were sent to counting centers. Some had not anticipated this, and Republika Srpska leaders in Pale protested the procedure on September 15, causing some centers to suspend counting. Even when counting continued, in the Bijeljina area of Republika Srpska there was opposition to counting the ballots or mixing them in with locally cast ballots in accordance with directives. The point of the mixing was lost somewhat; the number of refugee votes was not recorded at counting centers but easily could have been. Viewed largely as ballots cast by non-Serbs cleansed from the region, one party representative observing the counting was overheard suggesting that the refugee ballots be burned.

Once the confusion was corrected, counting continued smoothly. In Banja Luka, supervisors played a very active role in observing the entire count, which included about 125,000 ballots for each of the four election races. Procedures were designed to ensure some checks on the counters, including not making known control numbers on the total number of ballots until after totals for each candidate or party were tabulated. Tallies reasonably coincided with control numbers and the numbers of voters provided by the polling committees. The extremely small print and boxes to be marked on the ballots increased the likelihood of simple counting errors, especially on ballots like that for the National Assembly of Republika Srpska that had nineteen parties listed. Supervisors caught one counter marking an otherwise unmarked (and therefore invalid) ballot; local election officials promptly relieved the counter from his duties and removed him from the premises. The action showed the ability of the international community to police the counting process.

Results

Voter turnout appears to have been high, above 80 percent, although controversy surrounds the actual number of eligible voters. While OSCE statistics estimated

the voting population to be about 2.9 million, the private International Crisis Group (ICG) came up with a much lower figure of 2.3 million who actually could have voted in the elections. This has led the ICG to cry foul, as voter turnout was 2.4 million or, according to ICG figures, 105 percent in the context of elections in which many voters seemed to have been disenfranchised. Reports of SDA stuffing of ballot boxes in the Sarajevo area gave credence to their complaint. While the OSCE sought to explain the discrepancies, it did so confusingly and revised its own estimates upward, heightening suspicions. Frowick, however, did postpone certification until a partial recount was done and other complaints heard.



IFOR on patrol

One noticeable trend was the apparently high number of invalid ballots, most assumed to be from refugee or absentee non-Serb voters from Republika Srpska who were not satisfied with the alternatives and, perhaps, the very notion of this entity. Nevertheless, fewer invalid ballots seemed to have been cast in parliamentary than

presidential races, possibly reflecting the desire of these disgruntled voters to have some measure of representation.

Provisional results came as no surprise. The ruling, ethnically based SDA, SDS and HDZ—all of which were in power when the war began—won by large margins, although for some elections the results gave them some checks on each other or gave other parties some representation. Even where support for non-ethnic alternatives was expressed, people clearly felt comfortable only in voting “for their own kind,” even if only out of fear of those from the other groups doing the same. The victories by the leading ethnic parties may also reflect the shortcomings of the campaign period, and perhaps the inability of many intellectuals among the non-ethnic alternatives to unite and woo the average, and especially rural or refugee, Bosnian voter.

Conclusion

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Few have dared to characterize the September 14 elections in BiH as free and fair. Voters generally had a free choice that could be secretly made when they stepped into the voting booth, but disenfranchisement and an intimidating atmosphere at certain locations detracted from this positive characterization. Moreover, based on the campaign period alone, there was no doubt that the elections were not fair. Opposition parties had little chance to make their views known, let alone to counter aggressively the effects of years of war and propaganda on Bosnian voters from all ethnic groups. And, after the elections, questions regarding the total number of eligible voters made certification of the elections difficult.

The question, therefore, is not whether these elections were free and fair; they obviously were not. The question is whether the international community was wise to go forward with the elections within the schedule mandated by Dayton. Based on the overwhelming nature of the victories for the ruling parties in the September 14 elections, there is little doubt that the results probably reflect the general will of the people of BiH. With more time, during which more substantial efforts could have been undertaken to increase freedom of movement, of speech and of association, and also to sideline more effectively those indicted for war crimes or otherwise responsible for the conflict in BiH, the result might have been different.

Some who argued for holding the elections on schedule suggested that surprises may result, but they did not. They claimed that the situation might actually worsen unless elections were held sooner rather than later, but little evidence of that possibility has surfaced. They argued that the parties to Dayton must adhere to the deadlines, but, in doing so, Dayton's own prerequisites for effective elections were not sufficiently met. They pointed out that all parties in BiH wanted the elections to proceed, but this argument ignored the fact that the ruling parties wanted the elections because they knew they would win; that some other nationalist parties believed the elections could facilitate partition; and that moderate parties were hesitant but felt helpless in countering the larger forces dominating their country's politics. Those who prepared for the administration of the elections deserve credit for their hard work, but additional time would have enabled them to sort out the problems that caused so much confusion around election day.

Therefore, the main argument for holding the elections by the Dayton deadline seems driven mostly by the

international community's limited desire to continue to provide Bosnia's peace and security through IFOR. The current IFOR mandate expires at the end of 1996, and the elections were considered a prerequisite to any withdrawal. Indeed, Frowick succeeded in delaying the initial withdrawal process until after the elections were held. If this influenced the decision on when to hold the elections, then U.S. Government pressure on the OSCE to hold elections prematurely deserves criticism. However, the European critics who wish to place full responsibility with the United States should recognize that, for all its faults, only the U.S.-brokered initiatives for peace in BiH—both the Federation and Dayton—have actually brought peace and produced some results. Also, not one government spoke within OSCE in opposition to holding the elections on September 14. Indeed, probably the greatest opposition came from non-government organizations based in the United States, which might have had greater success in achieving a postponement had some influential countries supported a delay.

Moreover, the peace process created by Dayton may have largely run its course by September 1996, and this process needed something—the elections—to move to a new level. Pressure now rests on those elected to work together to resolve their problems, with less reliance on international involvement. If the international community at least maintains the resolve to prevent any party from resorting again to the use of force to achieve political ends, economic and other social forces may erode the political power of those now taking office and result in a more open, pluralistic society. This could even happen among Serbs, despite their present intention to become independent. Bosniacs, who have been the overwhelming victims, may actually become less willing to reconcile differences as a result. Bosnia's Croats can be expected generally to join with whichever side seems to have the upper hand. For all three, the pervasive fears and prejudices caused by war and propaganda must be replaced by trust and tolerance if there is to be any hope of long-term success.

The OSCE's performance in organizing and conducting the elections has come under considerable criticism. While some of the criticism might be warranted, the OSCE deserves credit for having undertaken an extremely difficult task. Its leadership resisted those governments that sought to pressure it to act one way or another.

Bosnia's future remains uncertain. A genuinely unified state could still emerge, or the state could be partitioned by its neighbors. To some degree, at least, further action by the international community could influence the direction in which Bosnia will head.

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